

I certify that the attached is a true and  
correct copy of HB 2286, which  
was filed of record on MAR 13 1987  
and referred to the committee on:

1987 APR -1 PM 12: 26  
HOUSE OF REPRESENTATIVES  
FILED MAR 13 '87

Natural Resources

*Boaty Messing*  
Chief Clerk of the House

By C. E. Ginn

J B. No. 2286

A BILL TO BE ENTITLED

AN ACT

relating to adoption of certain rules by the Texas Water  
Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 11, Water Code, is amended by adding  
Section 11.006 to read as follows:

Sec. 11.006. AUTHORITY TO ADOPT CERTAIN RULES. (a) To meet  
the water requirements of the state, the commission may adopt rules  
under this chapter to promote the conservation of water,  
regionalization, and the protection of the environment.

(b) Rules adopted under this section may apply to the  
issuance of permits under this chapter, the use of water held under  
existing water rights, and any other activity regulated under this  
chapter.

SECTION 2. Chapter 26, Water Code, is amended by adding  
Section 26.0111 to read as follows:

Sec. 26.0111. AUTHORITY TO ADOPT CERTAIN RULES. (a) To  
meet the water requirements of the state, the commission may adopt  
rules under this chapter to promote the conservation of water,  
regionalization, and the protection of the environment.

(b) Rules adopted under this section may apply to issuance  
of permits under this chapter, activities conducted under existing  
permits, and any other activity regulated under this chapter.

SECTION 3. This Act takes effect September 1, 1987.

1           SECTION 4. The importance of this legislation and the  
2 crowded condition of the calendars in both houses create an  
3 emergency and an imperative public necessity that the  
4 constitutional rule requiring bills to be read on three several  
5 days in each house be suspended, and this rule is hereby suspended.

# HOUSE COMMITTEE REPORT

1st. Printing

By Evans of Tarrant

H.B. No. 2286

Substitute the following for H.B. No. 2286:

By Smith of Travis

C.S.H.B. No. 2286

## A BILL TO BE ENTITLED

### AN ACT

relating to adoption of certain rules by the Texas Water Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 26, Water Code, is amended by adding Section 26.0271 to read as follows:

Sec. 26.0271. LIMITATIONS ON PERMITS: RESERVOIRS. (a) The commission may issue, amend, or renew a permit, subject to the limitations set out in Subsection (b) of this section for the discharge of waste or pollutants into a water-supply reservoir that was constructed prior to 1935 by a water control and improvement district, a substantial portion of which reservoir is within a county having a population of 800,000 or more, according to the most recent federal census, and has a conservation storage capacity greater than 175,000 acre feet.

(b) Permits for the discharge of waste or pollutants into reservoirs described in Subsection (a) of this section and discharges into all watercourses which are tributary to such reservoirs shall in addition to other limitations required by law meet all of the following limitations:

(1) the discharge shall not cause or result in any degradation of the existing water quality of the receiving body of water or stream, allowing for no mixing zone;

(2) the waste treatment process shall employ the most

1 advanced and reliable waste treatment available under existing  
2 technology, regardless of costs; and

3 (3) at a minimum, the effluent from the waste  
4 treatment plant shall not exceed 5 milligrams/liter of biochemical  
5 oxygen demand and total suspended solids, 1 milligram/liter of  
6 total nitrogen, .5 milligrams/liter of total phosphorus, and free  
7 of active viruses.

8 SECTION 2. This Act applies only to an application for a  
9 permit, an amendment to a permit, or a renewal of a permit for the  
10 discharge of waste or pollutants filed on or after the effective  
11 date of this Act.

12 SECTION 3. This Act takes effect September 1, 1987.

13 SECTION 4. The importance of this legislation and the  
14 crowded condition of the calendars in both houses create an  
15 emergency and an imperative public necessity that the  
16 constitutional rule requiring bills to be read on three several  
17 days in each house be suspended, and this rule is hereby suspended.

# COMMITTEE REPORT

The Honorable Gib Lewis  
Speaker of the House of Representatives

May 21, 1987  
(date)

Sir:

We, your COMMITTEE ON NATURAL RESOURCES,

to whom was referred HB 2286 have had the same under consideration and beg to report  
(measure)  
back with the recommendation that it

( ) do pass, without amendment.

( ) do pass, with amendment(s).

☒ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (X) yes ( ) no

An actuarial analysis was requested. ( ) yes ☒ no

An author's fiscal statement was requested. ( ) yes ☒ no

The Committee recommends that this measure be placed on the ~~(Local)~~ or ~~(Consent)~~ Calendar.

This measure ( ) proposes new law. ☒ amends existing law.

House Sponsor of Senate Measure \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Smith, T., Ch.	X			
Harris, J., V.C.	X			
Johnson, C., C.B.O.	X			
Hammond	X			
Holzheuser	X			
Russell	X			
Shelley	X			
Toomey				X
Yost	X			

Total

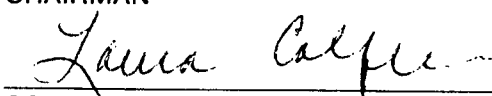
8 aye

0 nay

0 present, not voting

1 absent

  
CHAIRMAN

  
COMMITTEE COORDINATOR

HB 2286  
By: Charles Evans

Committee on  
Natural Resources

## BILL ANALYSIS

### Background

It is believed that the Texas Water Commission should be able to issue, renew, or amend waste discharge permits for certain lakes in certain counties.

### Purpose of the Bill

This bill would allow the Texas Water Commission to issue, amend or, renew waste discharge permits for certain lakes subject to certain limitations.

### Section by Section Analysis

SECTION 1. Provides that the Commission may issue, amend, or renew waste discharge permits for certain lakes in certain counties and subject to certain limitations.

SECTION 2. Provides that this Act only applies to applications for permits, amendments to permits, or renewal of permits filed after the effective date.

SECTION 3. Effective date is September 1, 1987.

SECTION 4. Emergency clause.

### Rulemaking Authority

This bill would grant rulemaking authority to the Texas Water Commission to promulgate rules regarding the issuance, amendment, or renewal of waste discharge permits.

### Summary of Committee Action

Public notice was posted in accordance to the rules and a public hearing was held on Wednesday, April 15, 1987. The bill was referred to a subcommittee consisting of the following members: Toomey, Chair, Johnson, and Smith.

On May 21, 1987, the Chairman made a motion to recall HB 2286 from subcommittee, and there being no objection, the motion prevailed. The full committee then voted to report HB 2286 to the House as substituted with a recommendation that it do pass by a record vote of 8 ayes, zero nays and zero present, not voting.

The following person submitted written testimony on the original HB 2286:

Carson Hoge, Brazos River Authority

The following persons did not testify, but wished the record to reflect their support of the original HB 2286:

Gerry Pate, River Authority Study Committee

Ken Kramer, Sierra Club

The following person testified on the original HB 2286:

Becca Williams, High Plains Underground Conservation District

#### Comparison of the Original Bill to the Substitute

The original HB 2286 granted rulemaking authority to the Texas Water Commission to adopt rules under Chapters 11 and 26, Water Code. The substitute addresses only the issuance, renewal, or amendment of waste discharge permits in certain lakes in certain counties.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

May 22, 1987

TO: Honorable Terral Smith, Chair  
Committee on Natural Resources  
House of Representatives  
Austin, Texas

In Re: Committee Substitute for  
House Bill No. 2286

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Bill No. 2286 (relating to adoption of certain rules by the Texas Water Commission) this office has determined the following:

The bill would authorize the Water Commission to issue a permit to a city or special district seeking to discharge waste or pollutants into a reservoir that meets the specifications of the Act. Waste treatment facilities would be required to upgrade their plants in order to meet the discharge limitations set forth in the Act.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost to Units of Local Government</u>
1988	\$ 225,000
1989	225,000
1990	1,725,000
1991	1,725,000
1992	1,725,000

Similar annual costs would continue as long as the provisions of the bill are in effect.

No fiscal implication to the State is anticipated.

Source: Water Commission;  
LBB Staff: JO, HES, JWH, JG, AF



# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 15, 1987

TO: Honorable Terral Smith, Chair  
Committee on Natural Resources  
House of Representatives  
Austin, Texas

In Re: House Bill No. 2286  
By: C. Evans

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 2286 (relating to adoption of certain rules by the Texas Water Commission) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would authorize the Water Commission to adopt rules to promote water conservation, regionalization and environmental protection for the activities regulated under Chapters 11 and 26 of the Water Code.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>	<u>Change in Number of State Employees from FY1987</u>
1988	\$175,637	+ 4.3
1989	146,152	+ 3.7
1990	146,152	+ 3.7
1991	146,152	+ 3.7
1992	146,152	+ 3.7

Similar annual costs would continue as long as the provisions of the bill are in effect.

Local units of government may be required to develop water conservation plans, to assess the environmental effects of existing projects and to make changes in wastewater treatment or water use.

Source: Water Commission;  
LBB Staff: JO, HES, JWH, JG, BL

H. B. No.

2286

By

C. Evans

A BILL TO BE ENTITLED

AN ACT

relating to adoption of certain rules by the Texas Water  
Commission.

MAR 13 1987

1. Filed with the Chief Clerk.

MAR 30 1987

2. Read first time and Referred to Committee on

Natural Resources

MAY 21 1987

3. Reported \_\_\_\_\_ favorably <sup>(as amended)</sup>  
(as substituted) and sent to Printer at

10:30 am

MAY 22 1987

4. Printed and distributed at

11:50 am

MAY 22 1987

MAY 22 1987

5. Sent to Committee on Calendars at

12:06 pm

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote)  
(Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_  
present, not voting).

7. Motion to reconsider and table the vote by which H.B. \_\_\_\_\_ was ordered  
engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas,  
\_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed  
to suspend) by a four-fifths vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_  
present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote  
of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. \_\_\_\_\_ was finally passed  
prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_  
nays, and \_\_\_\_\_ present, not voting).

12. Ordered Engrossed at \_\_\_\_\_

13. Engrossed.

14. Returned to Chief Clerk at \_\_\_\_\_

15. Sent to Senate.

Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on \_\_\_\_\_

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read  
first time.

20. Ordered not printed.

21. Regular order of business suspended by

(a viva voce vote.)

(\_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 22. To permit consideration, reading and passage, Senate and Constitutional Rules  
suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_ 23. Read second time \_\_\_\_\_ passed to third reading by:  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 24. Caption ordered amended to conform to body of bill.

\_\_\_\_\_ 25. Senate and Constitutional 3-Day Rules suspended by vote of \_\_\_\_\_ yeas,  
\_\_\_\_\_ nays to place bill on third reading and final passage.

\_\_\_\_\_ 26. Read third time and passed by  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

OTHER ACTION:

OTHER ACTION:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_ 27. Returned to the House.

\_\_\_\_\_ 28. Received from the Senate (with amendments.)  
(as substituted.)

\_\_\_\_\_ 29. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record  
(Substitute) Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present,  
not voting).

\_\_\_\_\_ 30. Conference Committee Ordered.

\_\_\_\_\_ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record  
Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

\_\_\_\_\_ 32. Ordered Enrolled at \_\_\_\_\_